

Bureau of Land Management (BLM)
Environmental Assessment (EA)

EA No. AZ-P010-2010-017
Serial No: AZA-31824

BLM Office: Hassayampa Field Office (HFO)
Phoenix District Office (PDO)

Proposed Action: Amendment of Right-of-Way (ROW) AZA-31824, to Allow the Flood Control District of Maricopa County to Relocate their Rain Gauge on Twin Peaks to Vulture Mountain

Location of
Proposed Action: Gila and Salt River Meridian, Arizona
T. 7 N., R. 5 W., G&SRM, Arizona, Sec. 6, S½SE¼SW¼.

Applicant: Flood Control District of Maricopa County

Address: 2801 West Durango
Phoenix, Arizona 85009

Conformance with Applicable Land Use Plan: The Bradshaw-Harquahala Resource Management Plan (RMP), dated April 2010. The proposed action has been reviewed for conformance with this plan [BLM Manual Handbook 1601-1 IV. C(2), BLM Manual Supplement (MS) 1617.3]. Determination has been made that the proposed action complies with the objectives, terms, and conditions of the RMP. Specifically, the Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan (RMP), page 33, under Land Use Authorizations, LR-24 states,

“Continue to issue land use authorizations (right-of-way, leases, permits, easements) on a case-by-case basis and in accordance with resource management prescriptions in this land use plan.”

The proposed action is subject to the above RMP and has been reviewed to determine conformity to the terms and conditions required by 43 Code of Federal Regulations (CFR) 1610.5-3. It is also consistent with BLM Manual Handbook H-1601-1 VI (F and G), 40 CFR 1500-1508, BLM National Environmental Policy Act (NEPA) Handbook H-1790-1, and 516 DM 1-7. Authority for authorizing site management planning, on public land (administered by the BLM), is granted by the Federal Land Policy and Management Act of 1976, (90 Stat. 2776; 43 U.S.C. 1761) and is reflected in Title 43, CFR, Part 2800.

Purpose & Need for Proposed Action: The applicant has a need for the rain gauge in order to provide for public safety. The onsite unit is the basis of the early warning flooding conditions detection program which saves lives, property and alerts emergency teams to potential flood areas.

Description of Proposed Action: The proposed action would amend an existing 30 year grant (ROW AZA-31824, dated March 4, 2003), for Flood Control District of Maricopa County, to move and reinstall their approximately 8 feet high (with the unit installed about 2 feet into the ground), 1 foot in diameter, 51 square foot rain gauge from Twin Peaks to Vulture Mountain. The gauge will cover approximate 0.001 acres, more or less, in an area with prior disturbance. Approval of the amendment

would only allow the Flood Control District of Maricopa County to continue that which is authorized, in grant AZA-31824, on public lands. Currently, AZA-31824 is set to expire on March 3, 2033. The amendment will be issued in perpetuity to coincide with the current grant.

Alternatives: The only alternative being considered is the “NO ACTION” alternative. The proposed action is so insignificant; the area in which it would be placed is not an issue. Under this alternative, no authorization would be granted. The grant amendment application would be rejected.

ENVIRONMENTAL IMPACTS

<u>Critical Elements</u>	<u>Affected</u>		<u>Critical Elements</u>	<u>Affected</u>	
	Yes	No		Yes	No
Air Quality		x	Threatened & Endangered		
Area of Critical or Environmental Concern (ACECs)		x	(T&E Species)		x
Cultural Resources		x	Wastes, Hazardous		x
Farmland, Prime/Unique		x	Water Quality		x
Floodplains		x	Wetlands/Riparian		x
Nat. Amer. Rel. Concerns		x	Wild & Scenic Rivers		x
Environmental Justice		x	Wilderness		x
Standard for Rangeland		x	Invasive/Non-Native		x
Health			Plants (Weeds)		

Cumulative Impacts: There would be no adverse cumulative impacts as a result of implementing the proposed action. Selection of the “NO ACTION” alternative would have the same effects as the “PROPOSED ACTION”.

Description of Impacts:

- ❖ *Proposed Action:* There would be no significant environmental impacts as a result of implementing the proposed action. Any environmental damage would be minimal as there are already encumbrances in the area including other communication facilities, towers, and an existing road to the proposed site. District personnel would utilize the existing road to access, install, and maintain the rain gauge on the Vulture Mountain site. During construction, placement of equipment and materials would ensure unhindered access of other residents.

One residual impact that will remain is the visual impact. The unit will be painted to blend with the landscape. No additional mitigation is necessary to eliminate the visual impact, as the disturbance is already present from the existing road and surrounding encumbrances.

Air quality is another element that may be impacted from the proposed action however, the impact to air quality would be minor and would only occur during the installation of the rain gauge. Airborne pollutant concentrations (mainly dust) should meet all Arizona and Federal ambient air quality standards through construction and once completed.

It has been determined by resource specialists that the proposed action will not have a direct or indirect impact on energy development, production, supply and/or distribution. Therefore, a Statement of Adverse Energy Impact will not be prepared.

- ❖ *No-Action Alternative:* Rejection of the grant amendment application would not cause any environmental impacts. The area would remain in its’ pre-existing condition, on Twin Peaks,

and most likely will continue to be vandalized. Vandalism will affect the ability to use the rain gauge. Subsequently, Maricopa County Flood Control may decide to discontinue their authorized use. Should the rain gauge's operation be compromised, it will have an effect on public safety. Namely, we would have one less method to provide warning to the State, County, City, as well as Arizona television, radio, police, fire departments and emergency staff of potential flooding conditions.

Description of Mitigation Measures and Residual Impacts:

1. All applicable regulations in accordance with 43 CFR 2800.
2. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holder's behalf, on public or Federal land, shall be immediately reported to the authorized officer (AO), HFO Field Manager, Steve Cohn, at 623-580-5530. The holder shall suspend all operations in the immediate area of such discovery, until written authorization to proceed, is issued by the AO. An evaluation of the discovery will be made to the AO, to determine the appropriate actions, to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision, as to the proper mitigation measures, will be made by the AO after consulting with the holder.
3. In the event that the public land underlying the ROW encompassed in this permit or a portion thereof, is conveyed out of Federal ownership, and administration of the ROW or the land underlying the ROW is not being reserved to the United States (US) in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the US in the patent/deed, the US waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part (2800)(2880), including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the US in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.
4. It is against State law to collect desert tortoise from the wild. If tortoises are found in the project area, they shall be removed from the area and released, in the shade, unharmed. When moving a tortoise, approach the tortoise from the end of the shell with the head. Note the direction the tortoise was heading and carefully carry it no more than 150 feet and release it in the direction that it was heading. If possible place the tortoise in the shade. Carry the tortoise upright, in its normal walking position. Do not tip it from side to side or upside down. If a tortoise becomes frightened, it may empty its bladder as a defense mechanism. The loss of bladder fluids can place the tortoise under additional stress as they store water in the bladder for use during the dry times of year.
5. The holder will utilize the existing road for access to the communication site. Conformance with any stipulations as it pertains to the use of the existing road (i.e., "Natural vegetation

shall be cleared only when necessary to provide suitable access for construction, operation and maintenance of the system”).

6. The holder shall take measures necessary to ensure airborne pollutant concentrations (mainly dust) meet all Arizona and Federal ambient air quality standards through construction and once completed.

Persons/Agencies Consulted:

- ❖ Flood Control District of Maricopa County (Larry Hendershot, Real Property Specialist)
- ❖ BLM, HFO Resource Specialists (Chris McLaughlin, Archeologist; Cody Carter, Lead Wildlife Biologist; Jim Andersen, Lands Team Lead; Hillary Conner, Realty Specialist)

Preparer: /S/ Hillary Conner Date: 7/16/2010
Hillary Conner
HFO Realty Specialist

Reviewing Official: /S/ Jim Andersen Date: 7/19/2010
Jim Andersen
HFO Lands Team Lead

NEPA Official: /S/ Leah Baker Date: 7/21/2010
Leah Baker
Management Planning Coordinator

Finding of No Significant Impact/Decision Record:

I have reviewed this EA (AZ-P010-2010-017) including the explanation and resolution of any significant environmental impacts. I have determined that the proposed action, with mitigating measures described above, will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed action is in conformance with the approved land use plan. This action will not have a direct or indirect adverse impact on energy development, production, supply, and/or distribution.

It is my decision to implement the project with the mitigation measures described above.

Authorizing Official: /S/ Jim Andersen Date: 7/23/2010
FOR Steve Cohn
HFO Field Manager